

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

VAN FLEET, INC.,
Plaintiff

v.

TERRALIFT, INC.,
Defendant

)
)
)
)
)
)
)

Case No. 3:CV-04-2227

05 me 30038 MBD

REGISTRATION OF FOREIGN JUDGMENT

1. On May 2, 2005, the plaintiff, Van Fleet, Inc. (hereinafter "Van Fleet"), recovered a judgment against the defendant, Terralift, Inc. (hereinafter "Terralift"), in the United States District Court, Middle District of Pennsylvania, for \$207,930, as well as an additional amount of \$14,302.60 towards counsel fees (hereinafter "the Judgment"). See Certification of Judgment for Registration in Another District hereto attached as Exhibit A.

2. The Judgment was final and personally binding on Terralift and still remains in full force and effect.

3. Van Fleet remains the owner and holder of the Judgment.

4. No part of the Judgment has been paid to Van Fleet although demanded.

5. The time for filing an appeal of the Judgment has passed.

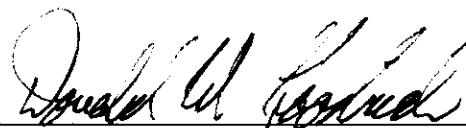
6. Terralift did not file an appeal of the Judgment.

WHEREFORE, the plaintiff, Van Fleet, Inc., demands that the Judgment entered in the United States District Court for the Middle District of Pennsylvania against the defendant, Terralift, Inc., be registered in the United States District Court for the District of Massachusetts.

Dated: September 7, 2005

PLAINTIFF VAN FLEET, INC.

By its attorneys,

A handwritten signature in black ink, appearing to read "Donald W. Goodrich", is written over a horizontal line.

Donald W. Goodrich
BBO No. 202200
For Donovan & O'Connor, LLP
1330 Mass MoCA Way
North Adams, MA 01247
Tel. (413) 663-3200
Fax (413) 663-7970

DWG/BDL:lac

EXHIBIT A

AO 451 (Rev. 12/93) Certification of Judgment

United States District Court

Middle

DISTRICT OF Pennsylvania

Van Fleet, Inc.
Route 196, P.O. Box 66
Mount Pocono, PA 18344,

Plaintiff

V.

Terralift, Inc.
104 East Main Street
Stockbridge, MA 01262,

Defendant

CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT

Case Number: 3:CV-04-2227

I, _____, Clerk of the United States district court certify that the attached judgment is a true and correct copy of the original judgment entered in this action on May 2, 2005, as it appears in the records of this court, and that

* No notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed.

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court.

9/9/05
Date

Clerk

Kathleen C. Malachuk
(By) Deputy Clerk

* Insert the appropriate language: . . . "no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed." . . . "no notice of appeal from this judgment has been filed, and any motions of the kinds listed in Rule 4(a) of the Federal Rules of Appellate Procedure (†) have been disposed of, the latest order disposing of such a motion having been entered on [date]." . . . "an appeal was taken from this judgment and the judgment was affirmed by mandate of the Court of Appeals issued on [date]." . . . "an appeal was taken from this judgment and the appeal was dismissed by order entered on [date]."

(†Note: The motions listed in Rule 4 (a), Fed. R. App. P., are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial; and for an extension of time for filing a notice of appeal.)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VANFLEET, INC.
ROUTE 196
P.O. BOX 66
MOUNT POCONO, PA 18344

Plaintiff,

v.

TERRALIFT, INC.
104 EAST MAIN STREET
STOCKBRIDGE, MA 10262

Defendant.

3:04-CV-2227

O R D E R

AND NOW, this 2nd day of May, 2005,
following a hearing held today, IT IS HEREBY ORDERED,
ADJUDGED and DECREED that:

Default Judgment is entered against
Defendant, Terralift, Inc., in the amount of \$69,310.00,
(which consists of compensation for additional hours of
work by Plaintiff to service its customers occasioned by
Defendant's, Terralift Inc., violations of the applicable
law and lost profits in the amount of \$53,710.00
occasioned by Defendant's, Terralift's, violations of the
applicable law), which sum is trebled to \$207,930.00
under Section 4 of the Clayton Act, 15 U.S.C. Section 15.

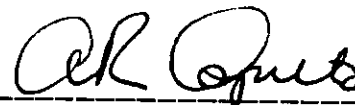
It is further ordered that the Defendant,

3/16/05
Perfetto
Stalwick

Terralift, Inc., is permanently enjoined from: (a), continuing the unlawful practice of tying the purchase of service and repair of Terralift replacement parts to the purchase of a Sgt. Septic franchise; (b), refusing to sell to Plaintiff Terralift service and repair replacement parts; and, (c), unlawfully attempting to monopolize for itself and its franchisees the business of restoring and serving septic leach field soil problems without disturbing the ground surface.

And it is further ordered that the Defendant, Terralift, Inc., shall provide the Plaintiff, VanFleet, Inc., with a list of it's suppliers of parts for the Terralift within 20 days of the date of this order.

And it's further ordered that the Defendant, Terralift, Inc., shall pay Plaintiff's counsel fees in the amount of \$14,302.60 in accordance with Section 4 of the Clayton Act, 15 United States Code, Section 15.



A. RICHARD CAPUTO
United States District Judge

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

VAN FLEET, INC.

Monroe County

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

TERRALIFT, INC.

County of Residence of First Listed
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Donovan & O'Connor, LLP
1330 Mass MoCA Way
North Adams, MA 01247 (413) 663-3200

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- Citizen of This State PTF ☐ 1 DEF ☒ 1 Incorporated or Principal Place of Business in This State PTF ☐ 4 DEF ☐ 4
- Citizen of Another State PTF ☒ 2 DEF ☐ 2 Incorporated and Principal of Business in Another State PTF ☐ 5 DEF ☐ 5
- Citizen or Subject of a Foreign Country PTF ☐ 3 DEF ☐ 3 Foreign Nation PTF ☐ 6 DEF ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fed. Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

MBD suit to register a foreign judgment pursuant to 28 USC § 1963

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

BDL:lac

BDL:1ac